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FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
AUG 25 1:13

Pro Se Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KENNETH EUGENE BARRON	:	CIVIL ACTION
Pro Se Plaintiff	:	
VS.	:	Docket # 04 CV 40023 (RCL)
UNITED STATES OF AMERICA	:	Judge Reginald Lindsay
DEFENDANT	:	

RESPONSE BY THE PRO SE PLAINTIFF
TO THE DEFENDANTS OPPOSITION IN
THE PLAINTIFFS MOTION FOR AN ORDER
OF DISCOVERY ON THE PLAINTIFFS DOCTORS.

CONSOLIDATED DECLARATION AND ARGUMENT
SHOWING THE DEFENDANTS OPPOSITION TO
THE PLAINTIFFS MOTION FOR AN ORDER
OF DISCOVERY ON THE PLAINTIFFS
DOCTORS MUST BE DENIED

DECLARATION AND AFFIRMATION

Kenneth Eugene Barron Pro Se Plaintiff Herein After (Plaintiff) declares and affirms under the penalty of perjury the instant filing is true.

- (1) The defendants opposition demonstrates how the Plaintiff is denied his constitutional right of court access by the defendant acting to obstruct this court from reviewing the Plaintiffs outside contract doctors key evidence showing the defendants malpractice and evidence in preventing his kidney organ transplant.
- (2) The defendants opposition was filed in Bad Faith to obstruct the Plaintiffs Constitutional right to court access by preventing the Plaintiffs doctors evidence that will prove the negligence in the instant action by the Defendant. The Plaintiff is requesting the court to order the Plaintiffs discovery by interrogatories on the Plaintiffs doctors who are treating his medical serious condition problems.

THE DEFENDANTS ARE OBSTRUCTING
THE PLAINTIFFS DOCTORS EVIDENCE
THAT WILL PROVE THE PLAINTIFFS
COMPLAINT ALLEGATIONS AGAINST THE
DEFENDANTS NEGLIGENCE.

- (3) The defendants opposition at page 4 in their second paragraph sets forth the Plaintiff lacks evidence to support his allegations of medical malpractice regarding the need for the community standard

of care kidney organ donor transplant. However the opposition was filed in Bad Faith by the Defendant who is demanding this court to prevent the Plaintiffs outside B.O.P. contractors who are specialists treating the Plaintiff's serious medical condition from providing the evidence that will prove the Defendant's negligence.

- (4) The Plaintiff is denied court access that is mandated under Boiven v. Black 225 F.3d 36 (1st Cir 2000), Bounds v. Smith 430 U.S. 867 (1977) with Lewis v. Casey 580 U.S. 343 (1996) that provides for the Plaintiff to prove his actual injury that the defendant is preventing discovery by interrogatories on his doctors will prove the Defendant is violating the B.O.P. organ transplant policy that requires the community standard of care organ kidney donor transplant for the Plaintiff.

THE COMMUNITY STANDARD OF CARE
REQUIRES THE DEFENDANT TO PROVIDE
THE PLAINTIFF WITH THE REQUIRED
KIDNEY ORGAN TRANSPLANT.

- (5) The Plaintiff has family members ready and willing to provide his medically required kidney organ donor transplant. The Plaintiffs doctors who are outside B.O.P. contract kidney specialist, doctors Lee and Zambetti claim the Plaintiff should be provided with the community standard of care kidney organ donor transplant. The Defendant's bad faith filing of their opposition papers Acts to prevent this court from reviewing the Plaintiffs outside B.O.P. doctors evidence that will prove the Defendant's negligence in failing to provide the community standard of care kidney organ transplant.
- (6) The Plaintiff should be granted the right to present his evidence from the B.O.P. outside kidney doctors who are treating the Plaintiffs serious medical problems. The Defendant should not prevent this court from reviewing the main evidence in the action that must be provided by doctors Lee and Zambetti with the

Plaintiffs infectious disease specialist. The Defendants opposition seeks to obstruct this courts review with the major evidence from the Plaintiffs Three outside B.O.P. specialists who will prove the Plaintiffs complaint allegations showing actual injury.

THE DEFENDANTS OPPOSITION ARGUMENT
CLAIMING THE PLAINTIFFS PAPERS WERE
FILED LATE IS FALSE.

- (7) The Defendants opposition arguments claiming the Plaintiff made late filings are false. This court granted the Plaintiffs motion for the enlargement of time to file his papers. The Defendant understands their claims of late filings by the Plaintiff are false. The Defendant is demonstrating conduct to blindside this court from reviewing the key evidence from the Plaintiffs B.O.P. outside specialist doctors who will prove the Defendant is violating the B.O.P. organ donor transplant policy.

DOCTORS LEE AND ZAMBETTI WILL
PROVE THE COMMUNITY STANDARD OF
CARE REQUIRES THE DEFENDANT TO
PROVIDE THE PLAINTIFF WITH THE
MEDICALLY REQUIRED KIDNEY ORGAN
DONOR TRANSPLANT UNDER THE B.O.P. POLICY.

- (8) Doctors Lee and Zambetti told the plaintiff in 2004 that the community standard of care requires the Defendant to provide the Plaintiff with the medically required kidney organ donor transplant. The Defendants opposition papers demonstrates they don't want this court to review the Plaintiffs Doctors evidence.
- (9) The Defendants declaration by Dr. Michael B. Nelson the chief of the B.O.P. health programs at paragraph 5 shows a false statement regarding the community standard of care kidney transplantation. The Plaintiff claims the Defendant filed the Dr. Michael B. Nelson declatation when they knew paragraph 5 was false.

THE DEFENDANT FILED A FALSE
DECLARATION BY DR. MICHAEL B. NELSON
REGARDING THE COMMUNITY STANDARD
OF CARE KIDNEY ORGAN TRANSPLANTS.

- (10) The defendants opposition papers fails to address the Plaintiffs attack on the false declaration filed by Dr. Michael B. Nelson in the motion for summary judgment to dismiss the action. Based on the Defendants opposition papers that does not address the Plaintiffs attack on the false declaration by Dr. Michael B. Nelson the Defendant may be acting out a fraud on the court.

THE DEFENDANT MAY BE ACTING OUT
A FRAUD ON THE COURT REGARDING
THE ISSUE OF COMMUNITY STANDARD
OF CARE WITH THE USE
OF KIDNEY ORGAN TRANSPLANTS.

- (11) The Defendants opposition papers failed to address the Plaintiffs attack on the key evidence in the Defendants motion for summary Judgment to dismiss, Dr. Michael B. Nelson declaration at Paragraph 5 declares under the penalty of perjury that there is no community standard of care regarding kidney transplant. However doctors Lee and Zambetti both claim that position is false. This court must review the evidence by Doctors Lee and Zambetti in order to interpret the true facts in the instant action.

CONCLUSION

Based on all the papers filed in the action the Pro Se Plaintiff is respectfully requesting the Court to grant his motion for discovery on his doctors.

Dated
August 7, 2004

Respectfully Submitted

By Kenneth Eugene Barron
Kenneth Eugene Barron
Pro Se Plaintiff